

February 21, 1975

SENATOR CLARK: Well I don't worry about my county particularly, it's big enough to take care of it. But I have had inquiries from some of my smaller counties, you know, that have 725 people in the whole county. Some of them really have more coyotes than they have people. Big counties with small population. I think these are the ones that are more worried about it than . . .

SENATOR LUEDTKE: Of course, they would want to have the same justice applied to them, I'm sure, as Omaha or Lincoln would have too. Wouldn't they. The same type of justice.

SENATOR CLARK: But you have public defenders here.

SENATOR LUEDTKE: Well I know and that's the reason I say that. Then they should have the right to have the same kind of services that an indigent defendant has in Lancaster, Douglas, Hall, Lincoln, or Scotts Bluff County.

SENATOR CLARK: Yeah. Thank you.

SPEAKER: Chair recognizes Senator Murphy.

SENATOR MURPHY: Question of Senator Luedtke. Senator what is the determination of indigent and what is it based on? How is it made?

SENATOR LUEDTKE: An indigent is a person who signs an affidavit and swears that he cannot pay for an attorney. That's all it is. The court then holds a hearing. If that individual can prove to the court that this is true, he is declared to be an indigent and the court appoints an attorney, or if there is a public defender as this bill provides, the public defender can be assigned to the case.

SENATOR MURPHY: Is there any provision in that declaration for subsequent payment? For repayment to the court at a subsequent date?

SENATOR LUEDTKE: No. No. No, there is however if there were any fraud involved or any . . . it would be a very serious matter if this individual lied. Of course he'd be under oath and perjury could be filed against him or her immediately. There is nothing for subsequent payment because that would open up a whole new system of trying to go after the people. You would have to hire somebody just to go after them probably, in most places.

SENATOR MURPHY: Thank you.

SPEAKER: Chair recognizes Senator Kime.

SENATOR KIME: Question of Senator Luedtke.

SENATOR LUEDTKE: Yes.

SENATOR KIME: Senator, on Section 3, page 3, the court shall appoint an attorney, well isn't that already taken care of in the present law?